

# DUTY STATEMENT

<b>Classification:</b> Attorney IV		<b>Position Number:</b> 811-113-5780-001	
<b>Branch/Section:</b> Executive Office/Office of Chief Counsel			
<b>Location:</b> Sacramento		<b>Effective Date:</b>	
<b>Management Designation</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Conflict of Interest</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Supervision Received:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Supervision Exercised:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Pursuant to Government Code Section 3100-3109, all public employees are declared to be disaster service workers for the protection of the health and safety and preservation of the lives and property of the people of the state from the effects of natural, man-made, or war-caused emergencies which result in conditions of disaster or extreme peril to life, property, and resources. This is of paramount state importance in protection of its citizens and resources.

## POSITION SUMMARY

The Executive Office, which includes the Office of Chief Counsel, provides the direction and leadership necessary to plan, develop and administer programs and activities in Office of Environmental Health Hazard Assessment (OEHHA). The Office of Chief Counsel participates in the development of policy and provides legal support for all OEHHA programs, including scientific programs, outreach and external affairs, legislation, regulatory programs and administration.

Under general direction of the Chief Counsel, the Attorney IV independently performs the most sensitive and complex legal work with broad discretion for the Office of Chief Counsel. The Attorney IV leads and oversees the development and formal adoption of new regulations, and amendments to and repeal of existing regulations for Proposition 65 (the Safe Drinking Water and Toxic Enforcement Act of 1986) and other programs within OEHHA. The Attorney IV serves as the lead counsel for the Office and is expected to consistently exercise a high degree of initiative, creativity, good judgment and originality in performing the following tasks and other related work.

## ESSENTIAL FUNCTIONS

- 25% Spearheads the development of viable regulatory strategies to improve the functioning of Proposition 65 and other OEHHA programs, in collaboration with OEHHA staff and management, and in consideration of viewpoints of internal (government) and external stakeholders. Conceives viable options to amend existing regulations, or repeal or add new regulatory provisions, and develops pros and cons for the different options. Presents regulatory concepts or proposals to the Chief Counsel and the Executive Office for review and approval. Drafts proposed regulations, and oversees the development of the full regulatory package, including the initial statement of reasons, notices, and informative digests, ensuring quality, consistency and coherency of the documents and package. Oversees the process for internal review and approval of the package and submission of regulatory documents to the Office of Administrative law, and posting of the package on the OEHHA website, to the proposed rulemaking is properly constructed, noticed and consistent with the Administrative Procedures Act.
- 25% Oversees review of verbal and written comments on proposed regulations, and if needed after considering input during the regulatory process, drafts amendments to proposed regulations. Researches and drafts positions on to complex legal issues raised in public comments for inclusion in the regulatory record. Evaluates whether modifications to the proposed regulation are needed and drafts or directs the drafting of modifications, for approval by the Executive Office. Reviews responses to comments on regulations drafted by other attorneys and scientific staff for completeness and compliance with all legal requirements, and for overall quality, coherency and consistency. Oversees the development of the final statement of reasons, and its review to ensure quality, coherency

(Attach additional sheet if necessary)

I have read and understood the duties and essential functions of the position and can perform these duties with or without reasonable accommodation:	<b>Date:</b>
<b>Employee Signature:</b>	
I certify that the above accurately represent the duties of the position:	<b>Date:</b>
<b>Supervisor Signature:</b>	
<b>PERSONNEL USE ONLY: This personnel action has been reviewed and approved by:</b>	
<b>Personnel Analyst Signature:</b>	<b>Date:</b>

and consistency. Reviews and approves the rulemaking record and confirms that the entire rulemaking process complies with all applicable provisions of law, including the Administrative Procedure Act, the California Government Code, and the California Code of Regulations. Serves as the lead liaison with the staff of the Office of Administrative Law to resolve any significant legal issues that may arise prior to adoption of a proposed regulation. Remains current on the requirements of the Administrative Procedure Act to ensure OEHHHA's compliance with the law.

- 20% Serves as a specialist on all legal issues related to Proposition 65 for the Office, in addition to the regulatory work laid out above. Drafts legislative proposals and correspondence; writes bill analyses; reviews responses to correspondence, bill analyses, regulations, or other documents related to Proposition 65 drafted by OEHHHA management or staff; and works collaboratively to identify options and solutions to complex legal issues related to Proposition 65. Meets with stakeholders and government officials to assess viewpoints, positions, and options. Reviews complaints, briefs, and other legal documents related to litigation before trial or appellate courts and provides expert advice on legal issues and strategies for those cases. Assists the Office of the Attorney General in defending regulations or other OEHHHA actions that are the subject of a legal challenge.
- 20% Outside of Proposition 65, develops legal positions on sensitive and emerging issues affecting the OEHHHA. Advises the Chief Counsel and executive management on the legal authorities and related legal issues underpinning these authorities. Prepares written opinions and provides advice on the most difficult and sensitive legal issues arising out of OEHHHA programs, including the legal effect of laws, regulations, rules, court decisions, and administrative actions that could affect the activities of those programs. Develops options to address emerging issues, including regulatory or other actions, presents them to OEHHHA management and works collaboratively with managers and technical staff to implement them. Writes bill analyses; reviews responses to correspondence, regulations, or other documents related to non-Proposition 65 programs. Works collaboratively to identify options and solutions to complex legal issues.
- 5% Serves as back-up when the Chief Counsel is unavailable. This includes responding to requests for legal advice in all OEHHHA program areas, responding to public inquiries concerning legal aspects of OEHHHA's programs, reviewing pleadings, attending Chief Counsel meetings and other meetings as required to represent the Office of Chief Counsel.

#### **MARGINAL FUNCTIONS**

- 5% Serves as liaison with various California state agencies on contracting, privacy issues, and records retention in order to communicate any OEHHHA legal issues related to programs or policies being implemented by these groups.

#### **REQUIRED QUALIFICATIONS**

Active Membership in the State Bar of California.

#### **DESIRED QUALIFICATIONS**

- Extensive experience and expertise in the principles and application of administrative law in California including the California Administrative Procedure Act, the Fair Political Practices Act, the Bagley-Keene Open Meeting Act and related regulations and cases interpreting these laws and regulations.
- Knowledge of and experience with the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) and related regulations and cases interpreting them.
- Excellent skills in management, leadership, and interpersonal communication, with experience in program administration, problem-solving, and policy development.
- Strong writing and editing skills.
- Willingness and ability to contribute to and participate in positive team building efforts and professional relationships through quality service.
- Ability and willingness to deliver legal services that are innovative and sensitive to client needs.
- In a team environment, respond dynamically to service responsibilities and work cooperatively with staff in providing coverage in the absence of other team members.
- Accepting of constructive criticism.
- Ability and desire to maintain cordial, effective, professional working relationships with all those contacted in carrying out the responsibilities described above.
- Contribute to the continuing effectiveness and improvement of the Environmental Management System.

#### **WORKING CONDITIONS**

- Varied work settings, including work in a high-rise building, telecommuting from home office and other authorized off-site locations as needed; representing the program at public meetings and with outside organizations.

- OEHHA has a hybrid work environment that includes work in an office setting in a high-rise building and telework at home.
- Extensive computer use, which involves prolonged sitting, viewing of a monitor, and repetitive motion.
- May be required to travel to other locations for meetings and events as necessary.
- Time-critical assignments.

(Attach additional sheet if necessary)

I have read and understood the duties and essential functions of the position and can perform these duties with or without reasonable accommodation:	Date:
Employee Signature:	
I certify that the above accurately represent the duties of the position:	Date:
Supervisor Signature:	
<b>PERSONNEL USE ONLY: This personnel action has been reviewed and approved by:</b>	
Personnel Analyst Signature:	Date: